

Notice of Allowability

Application No.

10/620,526

Applicant(s)

MORR ET AL.

Examiner

F. Daniel Lopez

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 8/5/05.
2. ☒ The allowed claim(s) is/are 1-6, 8-10, 13, 14, 16-21, 25-27 and 30.
3. ☒ The drawings filed on 16 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

F. Daniel Lopez
Primary Examiner
Art Unit: 3745

REASONS FOR ALLOWANCE

Claim 18 claims "an adjustable member that is engagable with the stop to prevent backlash" (last two lines). The specification makes the same statement (e.g. end of first full paragraph of page 4) and states that "Adjustment screws 40 and 41... are configured to engage pad 20 and stop pin 18 to limit the travel of pinion 34" (line 22-24 of page 7). Webster's new world Dictionary defines backlash as "a quick sharp recoil" (definition 1) or any sudden or violent reaction (definition 2), and defines a pad as "anything made of or stuff with soft material to fill out a shape, protect against friction, pressure, jarring, or blows, etc; cushion" (definition 2, emphasis added). Since a pad protects against backlash (i.e. jarring), it is clear how the adjustment screw engages the stop (i.e. pad 20) to prevent backlash.

Original claims 15 and 28 claimed an adjustable member. Original Claims 16 and 29 depended from claims 15 and 28, respectively and claimed that the adjustable member prevents backlash on the bearing and pinion. The only difference between claim 16 or 29 and claim 15 or 28, respectively, is the limitation concerning "preventing backlash". It is understood that this limitation is broadly claiming an element or material, which will cushion (i.e. prevent jarring during) the abutment between the adjustment screw and the stop.

The limitation of claim 29 has been incorporated into claim 18, to make it allowable. The cited prior art shows an adjustment screw engaging a stop, to limit movement of the pinion, but not to prevent backlash. It is well known to have pads to prevent backlash (such as with a linear piston-cylinder combination), but not for a pinion rotating less than 360 degrees. There is no motivation to combine a prior art pad with any of the cited references to prevent backlash for a pinion rotating less than 360 degrees, and therefore claim 18 is allowable.

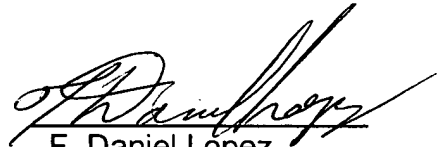
Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, preferably **accompanies** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3745

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to read 'F. Daniel Lopez', is written over a horizontal line.

F. Daniel Lopez
Primary Examiner
Art Unit 3745
August 16, 2005